

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SERVER-GROUP MESSAGING SYSTEM FOR INTERACTIVE APPLICATIONS

the specification of which

 X is attached hereto.

_____ was filed on _____ as Application Serial No. _____
and was amended on _____
(If Applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a) which states in relevant part: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section....The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98."

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Patented, Pending, Abandoned)

(Application Serial No.)

(Filing Date)

(Patented, Pending, Abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Stephen C. Durant	<u>31,506</u>
Michael Hetherington	<u>32,357</u>
Hark C. Chan	<u>35,477</u>
Charles D. Holland	<u>35,196</u>
Michael J. Murphy	<u>37,404</u>
Michael J. Panepucci	<u>37,203</u>

Address all correspondence to:

H. C. Chan
Wilson, Sonsini, Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

Direct all telephone calls to H.C. Chan at (415) 493-9300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or
first inventor:

Daniel Joseph Samuel

Inventor's signature:

[Signature]

Date:

1/30/96

V-00

Citizenship:

U.S.A.

Residence:

1248 Van Dyck Drive, Sunnyvale, CA 94087 CA

Post Office Address:

Same as above.

Full name of second joint
inventor, if any:

Marc Peter Kwiatkowski

Inventor's signature:

[Signature]

Date:

1/30/96

2-00

Citizenship:

U.S.A.

Residence:

347 Massol Avenue, #108, Los Gatos, CA 95030

Post Office Address:

Same as above.

CA

Full name of third joint
inventor, if any:

Jeffrey Jackiel Rothschild

Inventor's signature:

[Signature]

Date:

1/30/96

3-00

Citizenship:

U.S.A.

Residence:

15560 Old Ranch Road, Los Gatos, CA 95030

Post Office Address:

Same as above.

CA

See Nos 12 & 13 for order
of Inventors.



Patent
Attorney Docket No. 16326.701

Applicant or Patentee: Daniel Joseph Samuel et al.

Serial or Patent No.: Unknown

Filed or Issued: Herewith

For: Server-Group Messaging System For Interactive Applications

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.90(f) and 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: Mpath Interactive, Inc.

Address of Concern: 10455-A Bandle Drive, Cupertino, CA 95014

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled

SERVER-GROUP MESSAGING SYSTEM FOR INTERACTIVE APPLICATIONS

by inventor(s) Daniel Joseph Samuel, Marc Peter Kwiatkowski and Jeffrey Jackiel Rothschild, described in

☒ the specification filed herewith

☐ Application Serial No. _____, filed _____

☐ Patent No. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Name: _____

Address: _____

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which the verified statement is directed.

Name of Person Signing: Brian A. Apgar

Title of Person Other Than Owner: Executive Vice President of Development

Address of Person Signing: 10455-A Bandley Drive, Cupertino, CA 95014

Signature: Brian A. Apgar Date: 1/30/96

***NOTE:** Separate verified statements are required from each named person, concerned or organization having having rights to the invention averring to their status as small entities. (37 CFR 1.27).